

**OFFICE OF GENERAL COUNSEL
Division of Operations Management**

MEMORANDUM OM 10-59

May 12, 2010

TO: All Regional Directors, Officers-in-Charge,
and Resident Officers

FROM: Richard A. Siegel, Associate General Counsel

SUBJECT: Form NLRB 722 and Form NLRB 722SP
Instructions to Election Observers

Pursuant to OM 05-93, you were notified of revisions to Form NLRB 722 and Form NLRB 722SP, Instructions to Election Observers. The forms were updated to prohibit the use of cell phones, laptops, personal digital assistants, BlackBerry™ or mobile email devices and other wired or wireless data transmission and recording devices during the course of an election.

Please ensure that Board agents stock their election kits with these revised instructions in English and Spanish, copies of which are attached hereto. Further, please remind your respective staffs that these instructions prohibiting the use of any electronic device during the course of an election apply to Board agents' personal use as well. Of course, if issues arise during an election that require communications with the Regional Office for guidance or if a Board agent needs to communicate with other Board agents overseeing a different polling site, cell phones may be utilized by the Board agent for this limited purpose. However, such calls should be of short duration and should not distract the Board agent from his/her obligation to ensure that the election is conducted in accordance with the standards of the Casehandling Manual.

/s/
R.A.S.

Attachments

cc: NLRBU
Release to the Public

MEMORANDUM OM 10-59

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
INSTRUCTIONS TO ELECTION OBSERVERS

The role of observers in an NLRB election is an important one. You are here to see that the election is conducted in a fair and impartial manner, so that each eligible voter has a fair and equal opportunity to express him or herself freely and in secret. As official representatives of the parties in this election, you should undertake your role with a fair and open mind. Conduct yourself so that no one can find fault with your actions during the election. The NLRB appreciates your assistance in this democratic process.

PRINCIPAL FUNCTIONS

- Monitor the election process.
- Help identify voters.
- Challenge voters and ballots.
- Assist Board Agent in the conduct of election.

DUTIES

- BE ON TIME: Observers should report one-half hour before the polls open.
- Identify voters.
- Check off the name of the person seeking to vote. One check before the voter's name is made by one party's observer. One check after the name is made by the other party's observer.
- See that only one voter occupies a booth at any one time.
- See that each voter deposits the ballot in the ballot box.
- See that each voter leaves the voting area immediately after depositing the ballot.
- Report any conflict regarding an individual's right to vote to the Board Agent at your table before the individual votes.
- Challenge of Voters: An observer has the right to challenge a voter for cause. A Board Agent may also question the eligibility of a voter. Any challenge must be made before the voter's ballot has been placed in the ballot box.
- Report any unusual activity to the Board Agent as soon as you notice it.
- Wear your observer badge at all times during the election.
- Remain in the voting place until all ballots are counted in order to check on the fairness of the count. If the ballots are not counted immediately after the polls close, you will be informed as to when and where the ballots will be counted.

DO NOT

- Keep any list of individuals who have or have not voted.
- Talk to any voter waiting in line to vote, except as instructed by the Board Agent. (Greeting voters as they approach to vote is acceptable.)
- Give any help to any voter. Only a Board Agent can assist the voter.
- Electioneer at any place during the hours of the election.
- Discuss or argue about the election.
- Leave the election area without the Board Agent's permission.
- Use any electronic device, including cell phones, laptop computers, personal digital assistants (PDAs), mobile e-mail devices, wired or wireless data transmission and recording devices, etc. (Please turn off or disable these devices before entering the polling area).